



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

March 17, 2023

BY ECF

Hon. Edgardo Ramos
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. Customs and Border Protection et al.*, 21 Civ. 10430 (ER)

Dear Judge Ramos:

This Office represents the defendant agencies in the above-referenced action brought under the Freedom of Information Act. Pursuant to the Court's order, I write respectfully to provide the Court with an updated status report regarding the agencies' outstanding searches and productions in this case, some of which have been delayed from the agencies' original estimates.

Customs and Border Protection: made productions on July 21, August 31, and October 14, 2022, and produced redacted versions of 11 of the videos discussed in earlier letters on February 10, 2023; CBP is still reviewing several other such videos and expects to produce them once its review is complete, within the next few weeks.

Federal Bureau of Investigation: produced documents on June 21, November 15, and December 15, 2022; the remaining records are videos, which based on a preliminary review, the FBI would likely withhold in full. FBI has provided plaintiffs with some additional information regarding these videos and its anticipated basis for withholding them, and the parties' discussions about them are continuing.

U.S. Marshals Service: made productions on July 15, October 24, and December 16, 2022, and on February 1 and March 13, 2023; this completes the production of documents by USMS itself. In the cover letter for its latest production, USMS noted that it had sent five sets of referrals to other agencies (the Bureau of Alcohol, Tobacco, Firearms, and Explosives; the Drug Enforcement Administration; DOJ's Office of Information Policy; the Federal Law Enforcement Training Center (part of DHS); and the Federal Aviation Administration). The Government will provide updates on the status of those referrals in subsequent status reports.

The parties will make their next monthly status report on April 17, 2023. We thank the Court for its consideration of this matter.

Respectfully,

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cc: Counsel for plaintiffs (by ECF)